

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ERIC DAVID BAIR,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 4:20-1970</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>KILOLO KIJAKAZI,</b>	:	
<b>Commissioner</b>	:	
<b>of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Pending before the court is the February 16, 2022 report of Magistrate Judge Arbuckle, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claim for supplemental security income benefits under Title XVI of the Social Security Act be vacated, the plaintiff's appeal be granted, and the case be remanded to the Commissioner. (Doc. 18). To date, neither the plaintiff nor the Commissioner has filed objections to the report, and the time within which to do so has expired. Upon review, the report of Judge Arbuckle will be adopted in its entirety.

When no objections to a report and recommendation are filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b), advisory committee notes; see *also* Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In his report, Judge Arbuckle finds that substantial evidence does not support the ALJ’s decision to discount the plaintiff’s hand impairment and fingering limitations found by Dr. Bonita. The judge also finds that the ALJ’s RFC assessment is not supported by substantial evidence since the ALJ disregarded all of the medical opinions regarding the plaintiff’s finger tremor, and failed to include any fingering limitation in the plaintiff’s RFC. The court has reviewed the evidence of record as a whole and finds no clear error of record with regard to Judge Arbuckle’s findings with respect to the issue presented. Moreover, the court agrees with the sound reasoning that led Judge Arbuckle to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Arbuckle as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Arbuckle, (**Doc. 18**), is **ADOPTED IN ITS ENTIRETY**, as the ruling of the court.
- (2) The plaintiff's appeal, (**Doc. 1**), is **GRANTED**.
- (3) The decision of the Commissioner denying the plaintiff's SSI application is **VACATED**.
- (4) This case is **REMANDED** to the Commissioner for further proceedings consistent with Judge Arbuckle's report.
- (5) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: March 7, 2022**

20-1970-01